



Plan Commission - Meeting Minutes

Wednesday, April 12, 2023 | G.A.R. Room of the Miami County Courthouse

Plan Commission President, Brad Fruth, calls the Plan Commission meeting to order at 6:32 pm.

Roll call of board members – Corey Roser

- **Tim Alwine** – *Absent*
- **Randy Hileman** – *Present*
- **Jeanette Merritt** – *Absent*
- **Lynette Smith** – *Present*
- **Jamie Hopper** - *Present*
- **Courtney Schmidt** – *Absent*
- **Gregg Wilkinson** – *Present*
- **Fred Musselman** – *Present*
- **Scarlett Graves** – *Absent*
- **Brad Fruth** – *Present*

Brad Fruth calls for approval of March's meeting minutes

- Randy Hileman motions, Fred Musselman 2nd, all "Aye"
 1. March meeting minutes approved

Brad Fruth calls for monthly staff report, expense report, and committee reports

- Corey Roser presents all reports

Brad Fruth calls for committee report(s)

- No committee reports to be shared

Brad Fruth calls for Old Business:

- Corey Roser starts off old business with a report on three Unsafe Building (USB) Cases
 - 1.) **Claude & Carolyn Meyers – 10483 S Poplar St., Miami, IN 46959**
 - a. Brad Fruth reiterates that they have had problems trying to locate next of kin and the owners are deceased if he is correct. Corey said after discussing the situation with Steve Downs, county attorney, that the process is going to be restarted. There will be a new USB Order issued to include the next of kin in case there were things missed the first time the USB Order was issued.
 - b. Fred Musselman asked if Corey had made contact with any of the next of kin at all. Corey hasn't heard from anyone.
 - c. Brad Fruth asked Steve Downs if the property taxes had not been paid this Spring then would it eventually fall into tax sale. Steve said yes, but that doesn't solve the problem of it needing to be cleaned up and demolished. If there isn't contact made with next of kin, then there will be a notice published in the newspaper regarding Unsafe Building Order.
 - d. Corey Roser showed the board the most recent picture that Kenny Burton, inspector, had taken today and there had been no changes to the property.



Brad Fruth calls for New Business:

- Agriculture Permits:
 1. AGP#250-23 – Glen Schmucker – 4071 N 400 E, Roann, IN 46974
 - a. Corey Roser states this permit is to rebuild a livestock barn after it burnt in a fire. It will be built on the existing concrete and used for cattle and horses. It will have concrete walls and a metal roof.
 - Fred Musselman motioned to approve Ag Permit
 - Randy Hileman 2nd
 - All “aye”
 - b. AGP#250-23 is approved.
 2. AGP#251-23 – Kenlyn Zimmer – 1137 Birmingham Rd, Macy, IN 46951
 - a. Corey Roser states this permit is to build a milking parlor for a dairy operation. No bathrooms or living quarters will exist in this building. This building would not be where they are housing any animals, strictly where milking will take place, so it wouldn't be a CAFO.
 - Randy Hileman motions to approve Ag Permit
 - Jamie Hopper 2nd
 - All “aye”
 - b. AGP#251-23 is approved.
 3. AGP#252-23 – Richard Kercher – 13908 N 400 E, Roann, IN 46974
 - a. Corey Roser states this permit will be used to house his agriculture equipment. He would like to centralize everything into one building. No bathrooms or living quarters will exist in this building. Mr. Kercher is between contractors at the moment, and Corey told him that he needs to have a contractor decided so the contractor can be registered to perform work in the county.
 - Randy Hileman had to abstain from this Ag Permit due to conflict of interest.
 - Fred Musselman motions to approve Ag Permit
 - Lynette Smith 2nd
 - All “aye”
 - b. AGP-252-23 is approved
 4. Michelle Meyers & Bethany Shiel – regarding chickens in R-1 zoned areas
 - a. Discusses how some counties are allowing chicken coops and a small number of chickens in these areas as long as they are well kept and within regulation.
 - b. Corey Roser stated this came in as a violation, and is similar to other violations we have dealt with relating to chickens.
 - c. Bethany and Michelle state their property is a half-acre and only want to use the chickens for eggs for her family.
 - d. Lynette Smith states other cities allow chickens without a rooster as long as the chickens are kept within a coop with a fence or they are required to obtain a permit to keep said animals.



- e. Michelle and Bethany gave information related to how many chickens are allowed in specific cities/towns. Brad Fruth stated there has been multiple suggestions regarding how to go about allowing chickens/farm animals.
 - f. Randy Hileman asked Corey what his opinion is regarding a permit for chickens/farm animals
 - g. Lynette Smith stated it would be impossible to keep an accurate count on how many chickens someone may actually have.
 - h. Lynette Smith would like to help regarding ordinance/verbiage towards chickens.
 - i. Corey Roser stated he would hold off on their violation regarding chickens until the board can come to an agreement.
5. USB Case #14-23 – William Deaton – 400 S Columbia St, Macy, IN 46951
- a. Corey Roser presented key points to the board outlining why the building is unsafe. Previous administrator had tried to handle the case in 2018. William Deaton had previously told Corey that he was waiting on insurance money to do anything with the property. William stated he was trying to find a demo contractor back in the fall.
 - b. The board affirmed the USB Order.
6. USB Case #15-23 – Blake Pence – 3442 W Honey Tree Ct, Kokomo, IN 46901
- a. Corey Roser presented key points to the board outlining why the building is unsafe. David Gromko originally owned property. David sold the property to Blake Pence and he was aware of the condition of the trailer. There has been no contact from David Gromko or Blake Pence regarding the notices, therefore the USB Order was issued.
 - Fred Musselman asked if there was an USB Order sign on the trailer at the time of the sale between Gromko and Pence. ---> Corey stated he had not placarded the trailer then.
 - b. Blake Pence – He has not been in contact with a contractor yet, but his intent is to take the trailer down.
 - c. Brad Fruth states that he has to maintain contact with the PC Office and show substantial progress.
 - d. The board affirmed the USB Order with no penalty. If Mr. Pence doesn't comply within sixty (60) days there could be fines issued.
7. USB Case #16-23 – Scott Smith/Dale Shepherd – 205 W Commerce St, Macy, IN 46951
- a. Corey Roser presented key points to the board outlining why the building is unsafe. There were several instances where the tenant had failed to contact the office.



- Brad Fruth asked if the PC Office had issued a Stop Work Order due to the tenant appearing to work on property. ---> Corey said yes, but there had been a great period of time where there was no SWO (at the discretion of the PC Office) issued due to the tenant showing some work being done.
 - b. Corey Roser stated that Debbie Collins is actually the owner of the property, and she doesn't live in the state, however, it is under Scott Royal Smith. She is the one that has attempted, or so she says, to evict the tenant for legal reasons.
 - c. The walls of the house only had tarps around the bathroom area and there were several exposed rafters around the house, many of which were damaged. There was exposed wiring as well, among other things.
 - d. Steve Downs updated the board regarding the status of the case: the power needs to be disconnected due to it being a severe electrical hazard. Children were involved but DCS had removed them. Dale Shepherd claims the dogs are still there and he is going back and forth from Rochester to feed them
 - Randy Hileman asked who would be the one to remove the tenant from the property. ---> Steve said it would be the Sheriff depending whether the order was granted by the judge or not.
 - Brad Fruth asked if the board decided to put a civil penalty on it, would the deeded landowner be the one to pay it? ---> Steve said yes.
 - e. Lynette Smith motioned to impose a \$5,000 civil penalty
 - Failed
 - f. Randy Hileman motioned to impose a \$2,500 civil penalty
 - Fred Musselman 2nd
 - All "aye"
 - g. USB Order affirmed and \$2,500 civil penalty issued
8. Continuous Enforcement Order – USB Case #06-22 – Harvey Smith c/o Kimberly Minks
- a. 220 E Commerce St, Macy, IN 46951
 - Fred Musselman motions to affirm
 - Jamie Hopper 2nd
 - All "aye"
 - Continuous Enforcement Order affirmed
9. Continuous Enforcement Order – USB Case #08-22 – Roger Blackman
- a. 5039 E 400 S, Peru, IN 46970
 - Fred Musselman states he has had ample amount of time to clean up property. ---> Fred motions to affirm order
 - Randy Hileman 2nd
 - All "aye"
 - Continuous Enforcement Order affirmed



Brad Fruth calls for public comment

- Lester Walden – 3834 N Mexico Rd – Claims all of the garbage/debris/discarded used property sitting on front porch are not trash, but things being moved. He is very upset about recent \$100 fine imposed after the second violation had been reported relating to the porch. Lester claims he had donated the boxes to the church. He doesn't understand why some random citizen can report any violation, or why they are being "picked on."
 - a. Lester asked Corey why hadn't the properties he had just mentioned been cleaned up. ---> Corey stated there had been no active formal complaint lodged against any of those properties he had mentioned, and they were within the city 2-mile.
 - b. Brad Fruth asked if his issue was that he didn't have ample amount of time to rectify the situation. ---> He said he shouldn't be getting a fine if he has only had two letters and had cleaned up the mess
 - c. Lester claims he had the mess cleaned up on April 5, 2023 after signing for the letter on April 4, 2023.
 - d. Corey states Lloyd Roberts filed the complaint and has the right to do so if he is driving through.
 - e. Corey also states that because this is the second identical violation, within a 365-day time period, that is why he is issuing the \$100 fine – NOT because Lester did not clean up the property on time.
 - The board doesn't think that a fine should be issued before the violator has a chance to clean it up.
 - f. Corey asked the board how to set a precedent to keep people from becoming repeat offenders.
 - g. Jamie Hopper warns Lester Walden that he needs to clean up his property, and keep it cleaned for the foreseeable future. Mr. Hopper also stated to Mr. Walden that he had officially been warned.
 - h. Fred motions to rescind the \$100 fine.
 - Randy Hileman 2nd
 - All "aye"
 - i. Motion passes

Brad Fruth calls for motion to adjourn meeting

- Randy Hileman motions, Jamie Hopper 2nd, all "aye" ---> motion passes
 - a. Meeting adjourned at 8:32 pm



Representative of Miami County Plan Commission



Title



Date



Printed Name